

AN ACT

ENTITLED, An Act to provide standards for interpreting for the deaf and hard-of-hearing by requiring national interpreter certification and to repeal the state certification process and replace it with registration.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. For the purposes of this Act, the term, interpreting, means the process of providing accessible communication between and among persons who are deaf or hard-of-hearing and those who are hearing. This process includes communication between American Sign Language and English. Interpreting may involve various other modalities that involve visual, gestural, and tactile methods.

Section 2. No person may do any of the following with respect to providing interpreting services for any person who is deaf or hard-of-hearing for a fee or other remuneration unless certified pursuant to sections 3 or 4 of this Act and registered with the Department of Human Services:

- (1) Engage in the practice of, or offer to engage in the practice of, interpreting;
- (2) Use the title, interpreter, in connection with the person's name; or
- (3) Use the title, interpreter, in advertisements or descriptions.

A violation of this section is a Class 2 misdemeanor.

Section 3. The department may issue provisional certification to a person who:

- (1) Has graduated from a postsecondary degree program of two years or more accredited in interpreter preparation or interpreter education;
- (2) Participates in a department approved plan of up to five years in preparation for national testing that includes continuing education units and mentoring; and
- (3) Registers annually with the department.

Provisional certification may be granted for no more than five years.

Section 4. A person is certified if the person is at least one of the following:

- (1) Certified by the Registry of Interpreters for the Deaf and in good standing;
- (2) Certified by the National Association of the Deaf and in good standing;
- (3) Certified by the Educational Interpreters Proficiency Assessment with a score of at least 3.5 and in good standing; or
- (4) Certified by the Department of Human Services prior to July 1, 2006, and in good standing.

A person certified pursuant to subdivision (4) may continue this certification only so long as the person completes one hundred twenty-five continuing education units every five years, remains in good standing with the department, and registers annually with the department. Any person certified pursuant to this section shall register annually with the department.

Section 5. Any person may engage in interpreting during the worship service of any religious organization without being certified pursuant to sections 3 or 4 of this Act and registered with the Department of Human Services.

Section 6. That § 1-36A-10.1 be amended to read as follows:

1-36A-10.1. The Department of Human Services shall register and renew the registrations annually of any person certified in accordance with sections 3 or 4 of this Act who demonstrates compliance with this Act and payment of the applicable fees.

Section 7. That § 1-36A-11 be amended to read as follows:

1-36A-11. The department shall maintain, and publish, and make available upon request a registry of all certified interpreters and their respective levels of qualification.

Section 8. That § 1-36A-12 be amended to read as follows:

1-36A-12. The Department of Human Services may promulgate rules pursuant to chapter 1-26 to establish continuing education requirements for individuals registered with the department

pursuant to subdivision (4) of section 4 of this Act, to establish qualifications, continuing education requirements, mentoring requirements, and requirements for an approved plan for provisional certification pursuant to section 3 of this Act, and to establish qualifications for interpreters serving in medical, educational, or legal settings.

Section 9. That § 1-36A-13 be amended to read as follows:

1-36A-13. The fund for certification of interpreters for the deaf in the state treasury is renamed the fund for registration of interpreters for the deaf. All fees received by the Department of Human Services and money collected under § 1-36A-15 shall be deposited in the fund. Any money in the fund is continuously appropriated to the department for expenses incurred in the provisional certification and registration of interpreters for the deaf and may be expended by the secretary of human services.

Section 10. That § 1-36A-14 be amended to read as follows:

1-36A-14. Any balance of fees received by the Department of Human Services after payment of compensation and expenditures may be expended by the secretary of human services only in administering §§ 1-36A-10.1 to 1-36A-16, inclusive, and this Act.

Section 11. That § 1-36A-15 be amended to read as follows:

1-36A-15. The Department of Human Services shall promulgate rules pursuant to chapter 1-26 to establish the following nonrefundable fees for provisional certification and registration:

- (1) For provisional certification, not more than three hundred twenty-five dollars;
- (2) For initial registration, not more than fifty dollars;
- (3) For annual renewal of registration, not more than thirty-five dollars;
- (4) For effecting a name change upon the records of a registrant, not more than ten dollars;
- (5) For issuing a duplicate registration, not more than ten dollars; and
- (6) For initial registration and annual renewal of individuals certified pursuant to subdivision

(4) of section 4, not more than seventy-five dollars.

Section 12. That § 1-36A-16 be amended to read as follows:

1-36A-16. The provisions of this Act and §§ 1-36A-10.1 to 1-36A-15, inclusive, do not prohibit:

- (1) Any signing assistance in a medical emergency until the assistance of a certified interpreter is obtained;
- (2) The practice of interpreting, if directly supervised by a certified interpreter, included in a program of study by a student enrolled in an approved program for the preparation of interpreters for the deaf;
- (3) The practice of a legally qualified interpreter for the deaf from another state employed by the United States government and performing official duty in this state; and
- (4) The practice of interpreting in this state by an interpreter for the deaf currently licensed in another state, territory, or foreign country who is present in this state to lecture relative to the practice of interpreting for a period of not more than twenty days.

Section 13. That § 1-36A-19 be repealed.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1141

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1141

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State